

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEVEN SCHETROM,	§
	§
Defendant Below-	§ No. 512, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 93007930DI
Plaintiff Below-	§
Appellee.	§

Submitted: February 6, 2006

Decided: March 8, 2006

Before **HOLLAND, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 8th day of March 2006, upon consideration of the appellant's Supreme Court Rule 26(c) brief, his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) The defendant-appellant, Steven Schetrom (“Schetrom”), was found in violation of two probationary sentences. Specifically, the Superior Court found that Schetrom, a Tier III sex offender, had violated the conditions of his probation by changing addresses without prior approval, by having contact with minors, and by having accessed an internet chat room with the password “kiddy.” The Superior Court sentenced Schetrom to a total period of two years at Level V incarceration to be suspended after

serving six months for probation. This is Schetrom's appeal from that sentence.

(2) Schetrom's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Schetrom's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Schetrom's attorney informed him of the provisions of Rule 26(c) and provided Schetrom with a copy of the motion to withdraw and the accompanying brief. Schetrom also was informed of his right to supplement his attorney's presentation. Schetrom has not raised any issues for this Court's consideration. The State has responded to the position taken by Schetrom's counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold: (a) this Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) this Court must conduct its own review of the record and

determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.*

(4) This Court has reviewed the record carefully and has concluded that Schetrom's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Schetrom's counsel has made a conscientious effort to examine the record and the law and has properly determined that Schetrom could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

**Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).